TFW 1651

TOY 08.008APC

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant	:	Shiraki, et al.
Appl. No.	:	10/518,018
Filed	:	December 15 2004
For	:	INTERLEUKIN-6 SUPPRESSIVE AGENT
Examiner	:	Lilling, Herbert J.
Group Art Unit	:	1651

CERTIFICATE OF MAILING

I hereby certify that this correspondence and all marked attachments are being deposited with the United States Postal Service as first-class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on

March 28, 2006
(Date)

Che S. Chereskin
Che Swyden Chereskin, Ph.D., Reg. No. 41,466

LETTER

Commissioner for Patents
Office of Initial Patent Examination
Customer Service Center
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

On August 9, 2005, Applicants filed a request for a corrected filing receipt which would correctly reflect the title of the invention as amended in a preliminary amendment which was filed with the original application on December 15, 2004. To date, we have not received a copy of the corrected filing receipt. In fact, when checking the PTO PAIR website today, some seven months subsequent to the date of request, the title remains incorrect.

Herewith, we are resubmitting the request for a corrected filing receipt accompanied by the supporting documentation as filed on August 9, 2005. The title of the invention should be changed to INTERLEUKIN-6 SUPPRESSIVE AGENT.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: March 28, 2006

By: Che S. Chereskin
Che Swyden Chereskin, Ph.D.
Registration No. 41,466
Agent of Record
Customer No. 20,995
(949) 760-0404

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UTILITY/~~DESIGN~~ PATENT Date: 8-9-05
(miscellaneous) Date of Action: _____

Rec'd in the USPTO on the date stamped hereon via:

■ Certificate of Mail; or
☐ Express Mail #: _____

Docket #: TOYA108.008APC Applicant: Shiraki, et al.
Title: Interleukin-6 Suppressive Agent
App No.: 10/518,018 Filed: 12-15-04
Exr: Unk Art Unit: 1645
Class/Sub-Class: _____ Re-Exam No.: _____
Patent No.: _____ Issued: _____
VERIFIED BY: Asst: Lis Atty: C. Chereskin QC: AAG

■ Request for Corrected Filing Receipt
■ Copy of Preliminary Amendment
■ Copy of Filing Receipt
☐ _____
☐ _____
☐ _____

■ Return Prepaid Postcard (11/23/04)

TOYA108.008APC

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant	:	Shiraki, et al.
Appl. No.	:	10/518,018
Filed	:	December 15, 2004
For	:	INTERLEUKIN-6 SUPPRESSIVE AGENT
Examiner	:	Unknown
Art Unit	:	1645

CERTIFICATE OF MAILING

I hereby certify that this correspondence and all marked attachments are being deposited with the United States Postal Service as first-class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on

August 9, 2005
(Date)

Che Swyden Chereskin, Ph.D., Reg. No. 41,466

REQUEST FOR CORRECTED FILING RECEIPT

Commissioner for Patents
P.O. Box 1450
Office of Initial Patent Examination
Customer Service Center
Alexandria, VA 22313-1450

Dear Sir:

Applicants hereby request that the Official Filing Receipt, a copy of which is enclosed, be corrected as follows. Presently, the title is shown as Interleukin 6 Production Inhibitor. The title should be corrected to INTERLEUKIN-6 SUPPRESSIVE AGENT. A copy of the Preliminary Amendment as filed with the application on December 15, 2004 is provided in support of this requested correction.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: August 9, 2005

By:
Che Swyden Chereskin, Ph.D.
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TOYA108.008APC
DEA/ROA/CSC

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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www.uspto.gov

APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
10/518,018	12/15/2004	1645	900	TOYA108.008APC		8	3

20995
KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE, CA 92614

CONFIRMATION NO. 7375

FILING RECEIPT

OC000000016568377

Date Mailed: 07/25/2005

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please mail to the Commissioner for Patents P.O. Box 1450 Alexandria Va 22313-1450. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).**

Applicant(s)

Kimiyasu Shiraki, Toyama-shi, JAPAN;
Masahiko Kurokawa, Nobeoka-shi, JAPAN;
Yoshitaka Tamura, Zama-shi, JAPAN;
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Kouichirou Shin, Zama-shi, JAPAN;

Power of Attorney: The patent practitioners associated with Customer Number **20995**.

Domestic Priority data as claimed by applicant

This application is a 371 of PCT/JP03/15009 11/25/2003

Foreign Applications

JAPAN 2003-45509 02/24/2003

Projected Publication Date: 10/27/2005

Non-Publication Request: No

Early Publication Request: No

Title

~~Interleukin 6 production inhibitor~~ s/b Interleukin-6 Suppressive Agent

Preliminary Class

424

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at http://www.uspto.gov/web/offices/pac/doc/general/index.html.

LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15

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NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant	:	Shiraki, et al.
Appl. No.	:	unknown
Filed	:	herewith
For	:	INTERLEUKIN-6 PRODUCTION INHIBITOR
Examiner	:	unknown
Group Art Unit	:	unknown

PRELIMINARY AMENDMENT AND VERIFICATION UNDER 37 C.F.R. § 1.821 (f)

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Preliminary to examination on the merits, please amend the above-captioned U.S. application as follows.

Amendments to the Specification begin on page 2 of this paper.

Amendments to the Claims are reflected in the listing of claims which begins on page 3 of this paper.

Remarks/Arguments begin on page 4 of this paper.

AMENDMENTS TO THE SPECIFICATION

In the Title:

Please change the title as follows:

~~INTERLEUKIN~~ INTERLEUKIN-6 ~~PRODUCTION INHIBITOR~~SUPPRESSIVE AGENT

In the specification:

On page 1 of the Specification, after the Title of the Invention and before the Technical Field statement starting on line 1, please insert the following paragraph:

This application is the U.S. National Phase under 35 U.S.C. § 371 of International Application PCT/JP2003/015009, filed November 25, 2003, which was published in a language other than English, which claims priority of JP 2003-45509, filed on February 24, 2003.

On page 22 before Claim 1, please amend as follows:

WHAT IS CLAIMED IS:~~CLAIMS~~

AMENDMENTS TO THE CLAIMS

1. (Original) An interleukin-6 suppressive agent comprising lactoperoxidase as an active ingredient.

2. (Original) The interleukin-6 suppressive agent according to claim 1, wherein the interleukin-6 suppressive agent is a pharmaceutical preparation for preventing and/or treating a disease caused by production of interleukin-6.

3. (Original) The interleukin-6 suppressive agent according to claim 2, wherein the disease caused by the production of interleukin-6 is thrombocytosis, myeloma, Castleman syndrome, cardiac myxoma, glomerulonephritis, rheumatoid arthritis, sepsis, or influenza-virus infectious disease.

4. (Currently amended) A food and drink composition or a feed composition, which is prepared by adding the interleukin-6 suppressive agent according to ~~any one of claims 1 to 3~~claim 1.

5. (Currently amended) A ~~use~~ method of using ~~of~~ lactoperoxidase for manufacture of a pharmaceutical preparation for preventing and/or treating a disease caused by production of interleukin-6.

6. (Currently amended) The ~~use of lactoperoxidase~~method according to claim 5, wherein the disease caused by the production of interleukin-6 is thrombocytosis, myeloma, Castleman syndrome, cardiac myxoma, glomerulonephritis, rheumatoid arthritis, sepsis, or influenza-virus infectious disease.

7. (Original) A method of preventing or treating a disease, comprising administering an interleukin-6 suppressive agent comprising lactoperoxidase as an effective ingredient to an object person who requires prevention or therapy of a disease caused by production of interleukin-6.

8. (Original) The method according to claim 7, wherein the disease caused by the production of interleukin-6 is thrombocytosis, myeloma, Castleman syndrome, cardiac myxoma, glomerulonephritis, rheumatoid arthritis, sepsis, or influenza-virus infectious disease.

REMARKS

Claims 4-6 have been amended to conform with the rules of practice before the U.S. Patent and Trademark Office. The specification has been amended to recite the International Application and priority application. Claims 1-8 are presented for examination. No new matter is added by this amendment.

Enclosed herewith are: (1) a paper copy of the Sequence Listing, and (2) a computer readable version of the Sequence Listing.

VERIFICATION UNDER 37 C.F.R. § 1.821 (f)

All of the sequences in the attached Sequence Listing are included in the application as filed. As required under 37 C.F.R. § 1.821 (f), I hereby verify that the data on the enclosed disk and the paper copies of the Sequence Listing are identical.

Conclusion

Should there be any questions concerning this application, the Examiner is invited to contact the undersigned agent at the telephone number appearing below. Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: Dec. 15, 2004

By: Che S. Chereskin

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